

Application No. 10/621,508

- 4 -

February 21, 2005

IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A structure for diverting fish in a body of water away from at least one water intake comprising:

a porous dike having a bottom portion, a central portion, and a top portion,

the central portion having flow passages, and comprising openings large enough to permit a flow of water through the dike and large enough that fish can pass through the passages, but said flow passages being sufficiently confined spaces but small enough to present an aversion to fish, so that fish avoid passing through the passages.

2. (Original) The structure of claim 1 wherein the openings have a width ranging from about 6 inches to about 30 inches.

3. (Original) The structure of claim 1, wherein said bottom portion comprises solid blocks.

4. (Original) The structure of claim 1, wherein said top portion comprises solid blocks.

5. (Original) The structure of claim 1, wherein said bottom portion comprises blocks having flow passages.

6. (Original) The structure of claim 1, wherein said top portion comprises blocks having flow passages.

7. (Currently Amended) A structure of to claims 1, 2, 3, 4 or 5 for diverting fish away from at least one water intake comprising:

a porous dike having a bottom portion, a central portion, and a top portion,

the central portion having flow passages comprising openings large enough to permit a flow of water through the dike but small enough to present an aversion to fish,

wherein each of said flow passages is lined with at least one sleeve.

Application No. 10/621,508

- 5 -

February 21, 2005

8. (Currently Amended) The structure of claim 6 7, wherein said at least one sleeve is composed of a material which is resistant to adhesion by zebra mussels.

9. (Currently Amended) The structure of claim 6 7, wherein said at least one sleeve is coated with a material which is resistant to adhesion by zebra mussels.

10. (Currently Amended) The structure of claim 6 7, wherein an end of said at least one of said flow passages is disposed at an angle relative to an axis of the flow passage.

11. (Currently Amended) The structure of claim 6 10, wherein the end of the at least one of said flow passages is disposed at a 45 degree angle.

12. (Currently Amended) The structure of claim ~~1, 2, 3, 4 or 5~~ any one of the preceding claims, wherein at least one of said flow passages comprises a pipe.

13. (Currently Amended) The structure of any one of claims 1 to ~~12~~ 11, wherein an upper limit of the structure is submerged.

14. (New) The structure of claim 12, wherein an upper limit of the structure is submerged.

15. (New) A structure for diverting fish away from at least one water intake comprising: a porous dike having a bottom portion, a central portion and a top portion, at least one of the portions having flow passages therethrough comprising openings large enough to permit a ready flow of water through the dike, but small enough to present an aversion to fish due to perception rather than actual physical limitations.